

INTER-OFFICE COMMUNICATION FROM
THE OFFICE OF
CLERK OF THE BOARD OF COUNTY COMMISSIONERS

DATE: September 15, 1986

TO: Jan Winters, County Administrator
Lisa Heasley, County Attorney's Office
Richard Graddock, Asst. Co. Attorney
David Bludworth, State Attorney
Joy Shearer, Asst. Attorney General
Captain Cook, Sheriff's Dept.-Civil
Jerry Nolan, Sheriff's Office-Admin.
John Lehner, PZ&B
Bob Palchanis, Building Division
Patty Young, 4th Dist. Ct. of Appeals
Law Library
County Library (2)
Pinky Yount, PBC Municipal League, Inc.
1708 N. Lakeside Drive, Lake Worth, FL 33460
OTHER: Tony Smith, Asst Cnty Administrator
Charter Advisory Committee thru Tony Smith

FROM: John W. Dame
Chief Deputy Clerk

RE: PALM BEACH COUNTY ORDINANCE DISTRIBUTION

ORDINANCE NO.'s 86-26, 27, 28 & 29

TITLE REFERENCE: FOUR ORDINANCES PROVIDING FOR AMENDMENT TO
THE CHARTER OF PALM BEACH COUNTY AS FOLLOWS:

- ...providing for initiative petition percentage requirement;
providing for referendum election dates...
- ...providing for non-interference clause...
- ...providing for Wellfield Protection Charter Amendment
Ord...
- ...providing that the County Ordinances relating to School
Impact Fees shall prevail over conflicting Municipal
Ordinances...

Continue

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Attached are copies of the above referenced Ordinances of Palm Beach County. These Ordinances have been filed with Florida Department of State and forwarded to Municipal Code Corporation for codification. The charter amendment shall become law on January 1, 1987, if approved by a majority of those electors voting on the matter.

JWD:ph/lc

attachment

cc:* Commissioners, BCC
Clerk of BCC
Minutes

* If a copy of ord. is needed please advise Ms. Lorie Clinger, Finance Department at 837-2959.

ORDINANCE NO. 86-26

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS PROVIDING FOR AMENDMENT TO THE CHARTER OF PALM BEACH COUNTY, FLORIDA, PROVIDING FOR INITATIVE PETITION PERCENTAGE REQUIREMENT; PROVIDING FOR REFERENDUM ELECTION DATES; PROVIDING FOR TITLE; PROVIDING FOR ADOPTION OF AMENDMENT TO CHARTER; PROVIDING FOR REFERENDUM; PROVIDING FOR BALLOT LANGUAGE; PROVIDING FOR FORM OF NOTICE; PROVIDING FOR ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY COMMISSIONERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CHARTER; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, Section 1(c), Article VIII of the Constitution of the State of Florida provides that by general law a county government may be established by charter, and

WHEREAS, the optional county charter law, Sections 125.80 through 125.88, Florida Statutes, (inclusive), provide that the Board of County Commissioners may propose a charter by ordinance subject to approval of the charter by referendum, and

WHEREAS, the voters of Palm Beach County did adopt a charter for Palm Beach County at the general election on November 6, 1984 effective January 1, 1985, and

WHEREAS, the Board of County Commissioners through its staff has proposed charter amendments it feels would provide better government for Palm Beach County, and

WHEREAS, informational hearings on the proposed charter amendments have been held throughout Palm Beach County to inform the public about this charter amendment ordinance and to receive suggestions to improve the charter, and

WHEREAS, passage of this ordinance will allow the residents of Palm Beach County to adopt the proposed charter amendment or not at a general election to be held November 4, 1986.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

1 SECTION 1 - TITLE:

2 This ordinance may be cited as the "Charter Amendment Initiative
3 Ordinance".

4 SECTION 2 - ADOPTION OF CHARTER AMENDMENT:

5 Subject to the approval of the electorate as required by the
6 Constitution and Laws of Florida and Section 3 of this ordinance, the
7 amendment to the charter entitled "Charter Amendment Initiative Ordinance"
8 shall be as follows:

9 Section 6.3 Home Rule Charter Amendments

10 Amendments to this Home Rule Charter may be proposed by the
11 Board of County Commissioners by an affirmative vote of at least four (4)
12 members, subject to approval by the voters of Palm Beach County in a
13 referendum. The Home Rule Charter Amendment may also be initiated by ~~10%~~
14 7% of the number of voters qualified to vote in the last general
15 election, and the initiated amendment shall be presented and verified in
16 the manner and time set forth in Article V § 5.1. The Home Rule Charter
17 Amendment so initiated shall be placed on the ballot ~~at-the-next~~
18 ~~general-election~~ on the first Tuesday after the first Monday in
19 November of any year or in connection with a presidential preference
20 primary occurring at least 30 days after verification. If approved by a
21 majority of those who voted, the Home Rule Charter Amendment shall become
22 effective on the date specified in the amendment or if not so specified,
23 on January 1st following the election.

24 SECTION 3 - REFERENDUM:

25 On November 4, 1986, a general election is to be held and in
26 accordance with the requirements of the Constitution and Laws of Florida,
27 the question on the ballot shall be as follows:

28 INITIATIVE REQUIREMENT; ELECTION DATES:

29 "Shall there be an amendment to the Palm Beach County Charter
30 amending the initiative requirement from 10% of qualified voters to 7% and
31 placement on the ballot on the first Tuesday after the first Monday in
32 November of any year or in connection with a presidential preference
33 primary occuring at least 30 days after verification."

34 Yes _____

35 No _____

1 SECTION 4 - FORM OF NOTICE:

2 The form of notice of the election by which this charter
3 amendment shall be submitted to referendum shall contain the complete
4 text of this ordinance setting forth the entire proposed charter
5 amendments. This ordinance shall be advertised in its entirety as
6 provided by law.

7 SECTION 5 - ADOPTION BY FOUR-FIFTHS VOTE OF BOARD OF COUNTY
8 COMMISSIONERS:

9 Pursuant to Section 6.3 of the Palm Beach County Charter this
10 ordinance providing for amendment to the Palm Beach County Charter was
11 adopted by an affirmative vote of at least four (4) members of the Board
12 of County Commissioners of Palm Beach County.

13 SECTION 6 - SEVERABILITY:

14 If any section, paragraph, sentence, clause, phrase, or word of
15 this ordinance is for any reason held by the Court to be unconstitu-
16 tional, inoperative or void, such holding shall not affect the remainder
17 of this ordinance.

18 SECTION 7 - INCLUSION IN THE CHARTER:

19 The provisions of this charter amendment hereby approved shall
20 become and be made a part of the Charter of Palm Beach County, Florida.
21 The Articles or Sections of this charter amendment ordinance may be
22 renumbered or relettered to accomplish such, and the word "amendment" may
23 be changed to "section," "article," or any other appropriate word.

24 SECTION 8 - EFFECTIVE DATE:

25 The charter amendment shall become law on January 1, 1987, if
26 approved by a majority of those electors voting on the matter.

27 APPROVED AND ADOPTED by the Board of County Commissioners of
28 Palm Beach County, Florida, on the 26th day of August, 1986.

29 PALM BEACH COUNTY, FLORIDA, BY ITS
30 BOARD OF COUNTY COMMISSIONERS
31 By [Signature]
32 Chair

33 APPROVED AS TO FORM AND
34 LEGAL SUFFICIENCY

35 [Signature]
36 County Attorney

37 Acknowledgement by the Department of State of the State of
38 Florida, on this, the 5th day of Sept., 1986.

1 Acknowledgement from the Department of State
2 received on the 11th day of Sept, 1986, at 1:23 P.M., and filed in
3 the Office of the Clerk of the Board of County Commissioners of Palm
4 Beach County, Florida.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, JOHN B. DUNKLE, ex-officio Clerk of the
Board of County Commissioners certify this to
be a true and correct copy of the original filed in
my office on August 26, 1986.
DATED at West Palm Beach, FL on 9/15/86
JOHN B. DUNKLE, Clerk
By: [Signature] D.C.
Deputy Clerk

